

EDMONDS CITY COUNCIL APPROVED MINUTES

June 28, 2016

ELECTED OFFICIALS PRESENT

Dave Earling, Mayor
Kristiana Johnson, Council President
Michael Nelson, Councilmember
Adrienne Fraley-Monillas, Councilmember
Diane Buckshnis, Councilmember
Dave Teitzel, Councilmember
Thomas Mesaros, Councilmember
Neil Tibbott, Councilmember

STAFF PRESENT

R. Speer, Police Officer
M. Richardson, Police Sergeant
Phil Williams, Public Works Director
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Shane Hope, Development Services Director
Jeff Taraday, City Attorney
Scott Passey, City Clerk
Linda Hynd, Deputy City Clerk
Andrew Pierce, Legislative/Council Assistant
Jerrie Bevington, Camera Operator
Jeannie Dines, Recorder

1. CALL TO ORDER/FLAG SALUTE

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Earling in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

2. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present.

3. APPROVAL OF AGENDA

Council President Johnson proposed the following changes to the agenda due to the large turnout to speak regarding the coal and oil train resolutions:

- Postpone the Planning Board Update (Item 5.1) to next week
- Remove Presentation of Ordinance to add no parking signs on 238th Street SW (Item 4) from the agenda at the request of the City Engineer
- Postpone Planning Board recommendation regarding sign code amendments (Item 5)
- Limit audience comments to two minutes each

The Council agreed with the suggested changes.

4. APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Teitzel requested Item 1 be removed from the Consent Agenda.

COUNCILMEMBER TEITZEL MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE THE REMAINDER OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

2. **ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM JEANICE BLY (AMOUNT UNDETERMINED), AND CHRISTA U. GERDES (\$628.85)**
3. **APPROVAL OF CLAIM CHECKS**
4. **ORDINANCE AMENDING SECTION 8.16.040 OF THE EDMONDS CITY CODE (ECC); AMENDING THE SPEED LIMIT ALONG A SECTION OF SR-104**

ITEM 1: APPROVAL OF COUNCIL MEETING MINUTES OF JUNE 21, 2016

Councilmember Teitzel requested “Price” be changed to “Pierce” in two places on page 2.

COUNCILMEMBER TEITZEL MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO APPROVE ITEM 1 AS AMENDED. MOTION CARRIED UNANIMOUSLY.

5. PRESENTATIONS/REPORTS

1. PLANNING BOARD UPDATE

This item was postponed to the July 5 Council meeting.

6. AUDIENCE COMMENTS

Deejah Sherman-Peterson, Seattle, husband Ron and grandson Ethan (Edmonds resident along with his parents), expressed concern with transporting fossil fuel by rail; dangerous cargos to ship by any means. She provided a timeline of oil train derailments that includes one in Seattle under the Magnolia bridge with 97 tank cars each with 27,000 gallons of volatile Bakken crude oil. BNSF did not notify authorities of this derailment for over an hour and then claimed to the Department of Ecology that no hazardous materials were involved. BNSF also said there was no risk to life or safety and no potential for either despite the risk of an oil spill from tank cars. The Seattle director of emergency management learned about the derailment after 6 a.m. when he heard about it on the news; the Fire Department learned about the derailment at 6:54 a.m. via a 911 call from a business. She recommended not trusting BNSF when they say they care about safety and health. She said the extraction, shipping and burning of coal and oil cannot be ignored due to global warming and May was the 13th consecutive month to set global temperature records. If the current course continues, our descendants will be left a fundamentally different world. She submitted written comments.

Raging Grannies, Seattle, sang a song to the tune of Home, Home on the Range: The Northwest is our home and we don’t want it blown up by trains carrying volatile oil. There tanks are so old, they can easily explode; we’ve seen how they kill and they maim. Keep those trains far from us, or better yet don’t let us muse our climate up more, let’s show them the door, keep the oil in the ground ever more. How can we let greed so easily impede our right to a climate that’s clean? The future looks bleak unless can keep fossil fuels down where belong. Keep those trains far from us, or better yet don’t let us muse our climate up more, let’s show them the door, keep the oil in the ground ever more. This statement we make is strong not opaque, clearly we fear for our lives. In the present and then for our kids and our kin, keep all that oil in the ground.

Cynthia Linet, Seattle, an artist and political activist applauded and supported the Council’s desire to stop bomb trains from coming through Edmonds. Although Edmonds may be the first city to declare itself a fossil fuel zone, it is in the forefront of the campaign to rid ourselves of the dangerous trains as well as all fossil fuels. She said the the explosion of one car in Mosier last month was a taste of what can happen if this suicidal course continues. Climate change is no longer a subtle abstraction with no consequences, it is the existential problem of our time. Appalachia is experiencing a 1,000-year flood, extreme droughts in

California and record heat is causing catastrophic wild fires. There are 8 fires burning, last week there were 300 new fires and last year was the most damaging in history, 15 miles in one afternoon. Engineers driving these trains are filled with such anxiety that there have already been suicides. The Seattle Fire Department has said once a car explodes, there is no practical way to contain it, water cannot be used and foam too expensive to be practical for a fire department to maintain a supply. Many in the scientific community believe the tipping point has already been reached, the point where no matter what is done, it will not change the course of history. But that is not a reason not to try; this work is done not because it will be successful but because we must do everything to protect this climate for our children.

Richard Gammon, Shoreline, a professor emeritus of chemistry and oceanography at the UW, 35 years as a climate scientist, said he directed the US program to measure carbon dioxide in the global atmosphere and was the co-author on the first assessment by the intergovernmental panel on climate change in 1990. The immediate concern is the safety and health of communities like Edmonds through which an increasing number of fossil fuel trains pass, some carrying extremely volatile Bakken crude, others pulverized coal that sheds toxic dust. Both are a direct health hazard and violate Washington State and federal air quality standards as recently determined by direct trackside measurements by Atmospheric professor Daniel Jaffee, UW Bothell. The moral obligation goes far behind direct health effects and threats to Edmonds, as Washington State residents aim to lead the transition from an economy based on polluting fossil fuel energy to one based on clean, renewable energy. He opposed any expansion of fossil fuel infrastructure and capacity. With the Paris Accords in mind, the world is legally committed to move away from fossil fuels in order to achieve a world with carbon balance, hopefully before 2070. Increasing the transport of coal and oil on BNSF lines passing through Shoreline and Edmonds is a step in the wrong direction. He urged the Council to take a strong stand against fossil fuel trains.

Brian Schleicher, Edmonds, firefighter/paramedic with Fire District 1, representing Union Local 1828, and a first responder if there were an oil train fire in Edmonds, urged the Council to pass the resolution opposing oil trains traveling through Edmonds. This new safety threat did not exist prior to 2013 and now there are an average of 8 trains passing through Edmonds. FD1 does not currently have an incident action plan to respond. If an incident occurred, he and other firefighters would do everything in their power to limit the damage but that would be too late; an ounce of prevention was worth a ton of response in this case where a majority of the damage occurred in the first few minutes. He relayed the firefighters' and union local's support for the resolution. Due to the danger, he recommended at least implementing the engineering controls required to be safe. Having oil transported in DOT111 tank cars designed in the 1960s is not the safe way; these cars fail and cause fires that have the potential to kill people within a ½ mile radius.

Senator Maralyn Chase, Edmonds, said she considers a lot of policy issues and frequently works with BNSF in her role as the co-chair of the rail caucus in the legislature. BNSF makes it clear they do not have choice in the freight they carry, therefore, it is a national issue that needs to be addressed which is why the resolution is so important. With regard to the derailment under the Magnolia bridge, she relayed the engineer's comment that he thought he had bought it that night and didn't know whether the cars would explode. She noted 50 feet away from the track was a homeless person with a fire; had a tank car been punctured, the explosion would have destroyed the bridge and the surrounding area. This is an issue that needs to be raised with Congress to change the federal law.

Mike Shaw, Edmonds, thanked the Council for the resolution and for listening to the community. Last week one or two Councilmembers questioned the existence of coal dust. As the oil train resolution is a no brainer, he described the need for a strong coal train resolution. BNSF and the coal companies will say coal dust does not exist, a blatant lie. It is scientifically measurable; Dr. Dan Jaffee measured it several years ago in different locations in Washington state. It exists up to a ½ mile on either side of the tracks, it contains lead, arsenic and mercury. Coal dust enters Puget sound, the marsh and organic gardens and

because it lubricates the tracks, derailments are more common. BNSF knows this but do not care and there are still derailment problems with oil trains. BNSF's claims that a surfactant will prevent coal dust is untrue; empty coal trains produce as much or more coal dust as a loaded coal train. A BNSF vice president admitted in public testimony that by the time a coal train arrives at its destination, it has lost several hundred pounds to coal dust.

Dennis Lowenthal, Edmonds, said in July 2014 the Washington State Council of Firefighters issued a statement to the governor asking for a halt of all oil trains until a safety review was complete. After the Mosier derailment, Governor Inslee called for a halt on Union Pacific railroad oil trains traveling through Washington until stricter safety standards are enacted. Over 10 fires and explosions in the US over the past 2-3 years and another near Quebec, Canada destroyed half a suburban and took 47 lives. Newer, safer tank cars have been punctured, caught fire and exploded in recent years. No amount of monitoring and maintenance will protect citizens when there are hundreds of thousands of miles of track and excessively heavy loads are being transported. He has a view of the tracks along Puget Sound from his home and has seen sinkholes appear under the tracks during maintenance efforts as well as the tracks moving up and down as heavy loads are transported. These and many other problems can be undetectable and lead to accidents. An estimated area of significant damage from an oil train explosion on the DOT webpage is a radius of ½ mile. Citizens pick up most of the financial burden as railroad insurance is inadequate to cover the resultant enormous costs of an explosion. He urged the Council to support the Governor's lead and respect the firefighters' warning to halt oil trains until it can be determined if they are safe.

Maris Abelson, Lake Forest Park, expressed support for the oil and coal train resolutions. A mother of a 5-year old, said since hearing about oil train fires, derailments and resulting environmental contamination, her son is afraid whenever he goes to Richmond Beach. She urged the Council to stand against oil trains and join the myriad other cities uniting to send the federal government the clear message that lives and homes face an unnecessary catastrophic risk every time an oil train passes. There is no adequate method of treating a large-scale oil train fire and no emergency financial aid to cover the loss of thousands of homes, business and livelihoods. Natural disasters occur daily throughout the county due to climate change; meanwhile some European countries are approaching 100% renewable energy. Her son is part of a generation growing up fearing the effects of climate change. Take a stand for clean energy, create alternative jobs for the fossil fuel workers and transition immediately or face the devastation of our planet and our children. Stop putting our children and environment at risk from derailment, explosions, fire and contaminations in residential areas. If a fraction of the the \$5.3 trillion in subsidies for fossil fuel companies were spent on renewable infrastructure and modernizing our energy grid, we would be well on our way to national energy self-sufficiency. The US currently uses 3,819 terawatts of electricity/year. The US has 89,000 terawatts of wind energy potential and 116,146 terawatts of solar energy potential, enough to potential solar and wind energy to power the county 16 times.

Bohdi Abelson, Lake Forest Park, said every time he goes to the beach he is nervous about oil trains passing through Edmonds because he feels like they are going to explode.

Adi Piper, Seattle, a climate activist, expressed his support for the resolution against oil trains and coal trains because of the danger of fossil fuels. Even if tanker cars were made safer, they are going to oil refineries, traveling on tracks through cities and the fossil fuel is still being burned. Climate change is not fictitious. Seattle has been citing the dangers of oil trains for two years and has asked for a halt. Oil trains travel under downtown Seattle, under bridges and next to sports stadiums that seat 60,000. If a tank car exploded, it would incinerate a lot of people and things. It is important to stop trains carrying oil through Edmonds before a catastrophe happens. He called for a change now to renewable energy.

Laura Johnson, Edmonds, was excited by the resolutions and by Edmonds looking at being first. She thanked Councilmember Fraley-Monillas for her dedication to this important issue. Unfortunately, even

as awareness has increased, so have accidents. She appreciated each Councilmember's concern and attention to this issue and was proud Edmonds was taking a strong stance to protect the health and wellbeing of its citizens. She expressed her support for a strong resolution to ban oil trains through Edmonds. She thanked the Council for protecting her family, community and the environment.

Carlo Voli, Edmonds, a member of Edmonds Unitarian congregation and one of the vice presidents of the Edmonds Community Solar Cooperative which has 23 kilowatts of solar panels on the Frances Anderson Center roof providing clean power to the City at a reduced rate, said his friend and the founder of the Solar Cooperative, Chris Herman, who passed away two weeks ago would have supported the resolutions. He wanted to see an Edmonds that has more solar projects, public transportation, bike lanes, pea patches, vegetable gardens, that takes care of the remaining tree cover, parks and beaches and a City Council that puts the wellbeing and safety of its citizens and ecosystem as a first priority. He would like to see less of an Edmonds that is used as a fossil fuel corridor for climate change inducing, oil spill exploding and coal dust spewing trains, that bows down to corporate and special interest powers and puts profits over people and disregards the serious threat of climate change and climate disruption. He expressed support for the passage of the two resolutions.

Rebecca Wolfe, Edmonds, said she lives within the impact zone of a train bomb. She agreed with the previous environmental concerns that have been expressed. She thanked the City Council for seriously considering the matter and trying to take action in the face of great adversity. Big oil, coal and trains companies have a lot of legal advantages, they prevent transparency, it is difficult to get records and there are laws that protect them. Because many laws need to be changed, she is completing a degree in environmental law and policy with Vermont Law School. She thanked the chair of the Sierra Chair Dean Smith, Janet Way and other Sierra Club Members who are present. With regard to the importance of prevention, she noted Edmonds did not have any signs stating fireworks were illegal like are displayed in Woodway, even though there is the potential for a forest fire in Edmonds from fireworks.

Michael Foster, Seattle, parent of children in a lawsuit with the Department of Ecology; fossil fuel emissions in Washington State must be cut 6-10% every year until fossil fuels are not burned anymore or the constitutional rights of every child in the state are violated. He congratulated the Council for being on the right side of history. As soon as the lawsuit is done, the clean air law will be strengthened and will be a meaningful thing to reduce emissions on a path to a clean and recovering climate. As the Pope states, if we take care of our place on earth and each other, we will not hurt the planet. He displayed a gas pump nozzle, suggested putting a warning label on gas pumps, similar to the label on cigarettes, to change thinking and behavior and address arguments about protecting industries that are destroying the planet. The Surgeon General's report on cigarettes was issued at the same time the White House issued the first report on climate change.

Bill Phipps, Edmonds, said the resolutions are well written. The issue is global climate change, not a hypothetical theory; it is happening now and faster than anyone thought it would. It is up to us to stop it; we can't just think about it or hope that someone else will address it. We must stop burning coal now, stop shipping coal to Asia now, stop mining Bakken crude now, and not allow the second railroad track to be installed. The second track is not the future; it will be the end. If we do not act now, on our deathbeds we will see a sick planet, rising oceans and rising temperatures forcing migrations of millions of people with no place to go. He questioned whether we were going to say there's nothing I can do or whether we would be proud of standing up to the dirty energy corporations and demanding a just transition to a clean energy economy. The time is now, we must act or at least try. He was certain the Council would make the right decision and was proud to be in Edmonds.

Will Wilcox, Edmonds, concurred with the essential facts that have been stated and was grateful the Council was taking this issue seriously. A resident on the west side of the tracks, close to the Edmonds

Senior Center, recalled trains have been stopped for 3-4 hours twice in the last 3 years; medical emergencies during that time would have been a serious matter. This much more than NYMBY, it is a question of what is in our heart and what is happening in the world. He agreed with the regional and global issues that have been brought up, but in a narrower viewpoint, he could not imagine that the dream of an Edmonds Waterfront Center was a viable concept as long as this issue remained unresolved. He encouraged the Council to consider that in their decision.

Jim Wassall, Edmonds, referred to today's neighborhood meeting about Sunset Avenue, the walkway, and parking which Councilmembers Tibbott and Teitzel attended. He relayed the following suggested signage changes:

1. Caspers Street runs east-west and ends at Sunset. Consider installing a no left turn sign on Caspers before it ends
2. Sunset Avenue ends at Caspers Street. Consider a do not enter sign next to the no left turn sign on both sides of Caspers
3. Consider a wrong way sign on the north end of Sunset Avenue

Bea Wilson, Edmonds, expressed her full support for the resolution. A resident of downtown Edmonds for over 16 years, former Shoreline resident for 40 years, great grandmother of 4, 3 grandchildren and 7 sons said some family members are in the marine industry and she was concerned with safety. A retired geriatric nursing specialist, she was concerned with seniors, newborns and youth who have compromised breathing and asthma that alters the quality of their lives. Her late husband had COPD and eventually cancer; for 10 years his quality of life decreased due to pollutants in the air. She has also been a community service volunteer for 60 years, a watershed steward with Sno-King Watershed Council, and a certified water quality monitor. She thanked the Council for their serious consideration of the resolutions.

Natalie Shippen, Edmonds, referenced the sign code and requested the Council consider the purpose of the Edmonds sign code. The Carmel sign code, which she distributed, answers that question; it states the image that Carmel wants and to maintain that image, avoid an excessive number of signs and use them for identification, not advertisement, and inform a resident or visitor what to expect. With regard to why, she referenced option 3 in the Planning Board's recommendation which she felt was an unholy cross between a shell game and a snow job. Sign codes generally have two major sign categories, temporary and permanent. In option 3, half the signs in the temporary category are made permanent. In between that transformation, they magically pass through a new intermediate category, pedestrian. Under option 3, temporary, illegal signs that currently litter Edmonds streets become permanent and legal. She questioned how that solved the problems of visual blight and proliferation. She urged the Council not to consider option 3 as it only makes the existing condition worse.

Rich Voget, Seattle, expressed support for the language in the resolution that states the transport and use of large volumes of crude oil is not compatible with City of Edmonds' role as regional and national leader in addressing climate change. He relayed being told the technology to combat climate change is at hand but the political will to implement is lacking. He thanked the Council for showing their political will by opposing coal and oil trains because their cargo, when burned, will worsen the effects of climate change, as well as for making this statement now because further delay cannot be afforded. Climate scientists state 80% of the known fossil fuel reserves need to stay in the ground to have a stable climate for future generations. It takes at least 40 years for the emissions created on the earth to rise into the troposphere where they become heat-trapping greenhouse gasses. If all the emissions were stopped tomorrow, floods, droughts and ocean acidification will get much worse for the next 40 years. If we wait another 40 years a climate catastrophe will have happened. The fossil fuel companies want us to believe there are no problems with climate change. If business as usual continues unchallenged, climate change can become irreversible. He urged the Council to have the political courage to send a message to Washington DC to fight climate change by saying no to coal and oil trains through Edmonds.

Barbara Tipton, Edmonds, said danger travels on the railroad threatening downtown. Every week oil trains pass through the city, carrying crude oil from North Dakota that is very flammable and highly combustible, a mixture of oil and natural gas liquids including propane, methane and butane. As the oil trains travel, the gases separate and rise to the top, covering the oil. If the gases come into contact with air, a spark can cause an explosion that triggers a series of fireballs. First responders are not prepared to contain the hazardous materials; they will cordon off the area and wait for it burn out. USDOT assigns a ½-mile evacuation zone for oil train derailments and a 1-mile impact zone in case of an oil train fire. If that happened, the downtown core would be up in flames including shops, houses, condominiums, restaurants, Edmonds Center for the Arts, the senior center and the ferry dock. She urged the Council not to let this happen and to save the community by saying no to oil trains.

Jaci Leavitt, Edmonds, said she visits the waterfront often and finds it intense when oil trains pass by. While visiting the beach recently with her 10-year old niece they and others waited in close proximity to let the train pass by. Although Edmonds is a serene town for visitors and residents, she does not invite friends to Edmonds because the trains make the beach loud and dangerous. She relayed her understanding Union Pacific was held responsible for the derailment in Mosier, Oregon, but no changes are proposed with regard to the railroad and there is no explanation other than blame. She recalled an oil spill ¼ mile north of Edmonds on August 30, 2006 that was evident on the rocks in Edmonds, a reminder that it can happen at any time.

Janet Way, Shoreline, a former Councilmember, president of the Shoreline Preservation Society and a member of the Snohomish Group of the Sierra Club, said she frequently visits Edmonds, and her parents used to stay at the Harbor Inn on the waterfront. She thanked the Council and Mayor for being brave enough to consider the idea of a moratorium because Edmonds, Shoreline, Seattle, and all the cities along the route as well as wildlife and people living near the tracks are in danger. She also applauded the audience members for taking a stand. She thanked the Council for setting an example, anticipating Shoreline will take action next. She summarized a moratorium was appropriate because there was an emergency.

Dean Smith, Everett, chair of the Snohomish Group of the Sierra Club, asked the Council to approve the resolution requesting a moratorium on the passage of crude oil trains through Edmonds. During the past three years, the Sierra Club's train watch that counts trains passing through Snohomish County has found an average of 15 crude oil trains/week; the number of coal trains have declined but there is at least one/day. Trains disrupt traffic, spew excessive amounts of diesel fumes into neighborhoods, and sometimes derail and ignite into dangerous fire balls. Hundreds of thousands of people live within the blast zones of the track and dozens of schools are exposed. He lives three blocks from the tracks in Everett and is acutely aware of the fragile bluffs between Edmonds and Everett, bluffs that experience frequent landslides across the tracks that can and do cause train derailments. Longer and more frequent trains of volatile oil greatly increase the likelihood of a catastrophic derailment on the waterfront. The combination of oil trains and coal trains on the same tracks under the bluffs is a deadly risk. He can feel the ground shake when a coal train passes and he believes those vibrations cause small fissures in the clay soils of the bluff and increase the likelihood of landslides during subsequent rain storms. There were 200 landslides in the 2014-15 200 winter, an issue that was to be studied under the EIS for the Gateway coal terminal but that project was dropped. There are numerous century-old railroad bridges between Edmonds and the trains destination. He urged the Council to have the courage to pass the resolution, assuring that legions of people will urge their Councils to follow Edmonds' lead.

Janet Chalupnik, Edmonds, expressed her pleasure with the testimony provided tonight that addressed all aspects and points. She expressed support for the resolution and was excited Edmonds may become the first city to do this, anticipating other cities will follow suit.

Lora Hein, Edmonds, applauded and thanked the Council for the courageous step to stop these trains. Once a moving train starts, it is hard to stop; like a train, climate change has picked up speed over the last few years, faster than scientists predicted. Something needs to be done to slow the train, turn it around and back it up. She hoped Edmonds' courageous step to say no to coal and oil trains through the community will be able to start the process of reversing climate change and save the planet for future generations and species.

Patsy Dahl, Edmonds, said in addition to trains carrying oil and coal, there are chlorine trains. She was unsure the chemical reaction that would cause, relaying chlorine alone is devastating. She recalled a report at a conference at the Lynnwood Convention Center regarding oil trains that the new, super safe oil tank cars will explode when punctured in a 12 mph crash/derailment. She agreed mudslides along the bluffs as well as a train stopping on a curve could result in a derailment and explosion. No one has enough insurance to cover the property and lives that would be lost. She appreciated the Council's willingness to put a moratorium on oil trains because it will save lives. Once Edmonds does this, other cities will follow. She volunteered to collect signatures on petitions if necessary.

Robyn Ingham, Edmonds, said she lives very close to the train tracks and sees the trains passing through Edmonds every day. The railroad through Edmonds has recently become a conduit for volatile, highly combustible Bakken crude oil. The amount of crude oil transported by rail in the US has increased 4000% in the last 5 years. Each train endangers the entire community. In North America there have been more oil train spills and explosions in one year than in the previous four years. When the railroads were built, communities welcomed them and were willing to pay for the infrastructure and tolerate the associated noise and pollution because of the benefits. Today there is no benefit to Edmonds or the the environment from numerous, highly dangerous oil trains traveling close to homes and businesses; there is only great danger. It is time to take a stand against corporations that are taxed as little as 4 cents/42-gallon barrel and callously jeopardize lives, the environment and climate to make huge profits. She urged the Mayor and Councilmember to vigilantly protect the community they are elected to serve and take whatever action available to stop the trains coming through Edmonds.

Jeff Mackey, Edmonds, thanked the Council for their efforts to date with regard to oil and coal transportation through Edmonds. Prior to living in Edmonds, he and his wife lived almost directly over the train tunnel, living in jeopardy for a number of years. They lobbied Seattle's government to take a stronger stand, and wrote to Governor Inslee, both senators, President Obama, and Secretary Foxx. They have given up writing to BNSF, knowing they do not care. This was most recently witnessed in the waterfront study where all recommendations related to BNSF were rejected without any reasonable explanation. When asked if BNSF would commit to stopping trains outside the city during a waterfront emergency, the BNSF representative dodged the question. Although they applaud the Council's consideration of the resolutions, he asked when the City will file suit against Secretary Foxx and BNSF to stop the danger to the community. If legal action was required, he assured all the people in the audience would support the Council.

David Richman, Edmonds, said he moved here in October from Las Cruces, New Mexico, where his house was within blast zone of the Sante Fe train line where they saw rail cars carrying chlorine, oil, etc. He applauded the Council for attacking this difficult situation, commenting corporations are very powerful and there is a lot of pressure to keep trains rolling. He cited the need to stop oil trains, commenting it should have stopped 20 years ago. As a biologist, he learned a great deal about volatile chemicals in New Mexico coal mines and oil fields and was familiar with the smell of sulfur and hydrogen sulfide which the locals in New Mexico call the smell of money He applauded and thanked the Council for the resolutions.

Paul Adler, Shoreline, said he comes to Edmonds regularly to ride the train to Seattle. On today's train trip, they passed two oil trains waiting to pass through Edmonds. He recalled thinking what if the disaster that happened in Mosier happened in our community. As terrible as that tragedy was, Mosier dodged a bullet; if the weather had been normal, there would have been high winds making the oil train fire impossible to extinguish. He questioned what would happen if the Mosier incident happened in Edmonds with its onshore breezes. He questioned the likelihood of a landslide occurring with an oncoming coal or oil train and the resulting impact to the community. As a professional ecologist and environment scientist specializing in streams, wetland and estuaries, he pointed out the ongoing impact of coal trains spewing coal dust on health and air quality and the permanent and cumulative impacts on streams and salmonids. He expressed support for the resolutions and encouraged the Council to take this bold action now.

Monda Van Hollebeke, Edmonds, thanked Councilmember Fraley-Monillas for proposing the resolutions and congratulated the Council for standing up and being counted. A mother of six children raised in Edmonds, seven grandchildren and two great grandchildren, she felt it was her duty and urged the Council to do whatever they can so their future can be safe and healthy.

Victoria Leistman, Seattle, an organizer for the Sierra Club, thanked the audience for attending and the Council for listening to the wide range of support and concerns being expressed. She said formal written opposition to oil trains has been passed by Westport, Stevenson, the Quinault Indian Nation, Ocean Shores, Aberdeen and Hoquiam and a request for a moratorium has been submitted by Vancouver, Seattle and Olympia and numerous other cities have requested a determination of safety, careful analysis and/or expression of concern or reconsideration regarding oil trains. Further information is available on the StandUpToOil website. She referred to the thin green line, the community of Edmonds and surrounding communities that are saying the Pacific Northwest cannot be a fair ground for fossil fuels. She referred to the political will, and the incredible opportunity this provides.

Rusty West, Shoreline, thanked the Mayor and City Council for their courageous plans to ban fossil fuel trains in Edmonds. History will show that during this decade when society has turned away from fossil fuel and toward climate recovery and sustainable future, they will point to cities, individuals and recognize that Edmonds one of those cities on the cutting edge leading the way to a sustainable future. He and future generations thank the Council for taking this action.

Celia Kerr, Edmonds, said she cared deeply about this issue as millions of people do. It is time to let go of the money aspect and concentrate on taking care of citizens, particularly our children and their children. It is not safe and we do not want it. She urged the Council to pass the moratorium.

Dave Page, Edmonds, commented on the marvelous turnout and expressed confidence the Council will pass the resolutions. He was thankful Edmonds was taking this on, recalling Edmonds has been first in many things including the ban on plastic bans. He recalled thinking not much could get done at the local level but learned things can get done at the Council level with citizens' support. Since the tragedy in Orlando, he has been concerned about gun control. He owns a hunting rifle and a handgun but has never met a hunter using an AK47. He suggested banning assault rifles in Edmonds, noting it has to start somewhere. He was not against the Second Amendment but the founding fathers did not have assault rifles.

Councilmember Mesaros thanked the audience for coming and sharing views and anticipated the Council will pass the resolutions. He referred to Mr. Foster who displayed a gas nozzle and challenged the audience to consider their use of fossil fuels, to consider whether they were walking as much as they could, and buying vehicles that use less gas. The less gas everyone uses, the fewer trains will travel through Edmonds. He encouraged the public to consider that it starts with us.

Council President Johnson commented upon observing the number of people in the audience, she adjusted the agenda accordingly. She appreciated the audience's patience with limiting comments to two so that the Council has time to address other business on the agenda. Due to the interest in Items 7.2 and 7.3, she suggested moving Item 7.1, Presentation by Snohomish County Conservation and Edmonds Community College, after Item 7.3, preceded by a 5-minute recess.

Council President Johnson clarified the Council was not considering a moratorium; the Council will discuss the proposed resolutions and possibly make some changes but because tonight is a study session, following discussion, the Council will make a recommendation for action at the next City Council meeting.

Councilmember Fraley-Monillas explained this was actually a team effort although she has been following the coal and oil train issue and attending rallies/marches in the Seattle area for a number of years. She pointed out although this was a study session, four Council votes could approve the resolution tonight.

7. STUDY ITEMS

2. RESOLUTION URGING THE PROHIBITION OF TRANSPORTATION OF CRUDE OIL BY TRAIN THROUGH EDMONDS

Councilmember Fraley-Monillas asked if Mayor Earling wished to be signatory on the resolutions. Mayor Earling responded yes, depending on the final language. Councilmember Fraley-Monillas read a portion of the resolution:

Section 1: The City Council of the City of Edmonds strongly urges the United States Department of Transportation and the United States Congress to prohibit the transportation of crude oil by rail through the City of Edmonds.

Section 2: Copies of this resolution shall be transmitted by the City Clerk to the President of the United States, the Secretary of the United States Department of Transportation, and each member of the United States Congress elected from this State, including: Senator Patty Murray, Senator Maria Cantwell, and Representative Jim McDermott; Governor Jay Inslee; each member of the Washington State delegation representing the City of Edmonds from Districts 21 and 32, including: Senator Maralyn Chase, Senator Marko Liias, Representative Cindy Ryu, Representative Ruth Kagi, Representative Strom Peterson, and Representative Lillian Ortiz-Self.

COUNCILMEMBER FRALEY-MONILLAS MOVED, SECONDED BY JOHNSON, TO APPROVE THE RESOLUTION URGING THE PROHIBITION OF THE TRANSPORTATION OF CRUDE OIL BY RAIL THROUGH THE CITY OF EDMONDS.

Councilmember Buckshnis thanked the audience members for attending and agreed with Councilmember Fraley-Monillas regarding the Council taking action to approve the resolutions tonight.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO ADD "SECRETARY OF ENERGY" IN SECTION 2 OF THE RESOLUTION. MOTION CARRIED UNANIMOUSLY.

Councilmember Mesaros referred to the last whereas that identifies prior resolutions and suggested attaching them to the resolution as they are strongly worded and show this is not a new thing but has been a consistent message dating back to 2009.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO ADD THE PREVIOUSLY ADOPTED RESOLUTIONS AS AN ATTACHMENT AND REFERENCE THE ATTACHMENTS IN THE LAST WHEREAS ON PAGE 2 OF THE RESOLUTION. MOTION CARRIED UNANIMOUSLY.

Council President Johnson thanked everyone who spoke to the Council, commenting their voices are important. She especially thanked the Raging Grannies for singing. Although she has not been as involved as Councilmember Fraley-Monillas in the coal and oil train activities, she has been a long standing member of Save Energy Leadership Alliance along with Councilmember Fraley-Monillas and Mayor Earling.

Councilmember Teitzel thanked the citizens who spoke and appreciated their passion. He agreed there was a serious issue of citizens' safety. The risk of Bakken oil transport is definitely real; explosions and fires that have occurred recently cannot be allowed to happen in Edmonds. He supported the resolution but feared it may not go far enough by addressing other substances like chlorine, ammonia, gasoline, liquefied natural gas, etc. that regularly traverse Edmonds' waterfront and are equality or more explosive as Bakken crude. He encouraged the Council to treat this as a first step and address those other products in the future.

Councilmember Tibbott thanked citizens for their testimony which he found instructive. He suggested strengthening the resolution by referencing the governor's request to the oil industry and train industry regarding implementation of best practices as well as best practices like reinforced cars and slower speeds as an important step if not a requirement. He referred to page 9 of packet which states the State has pending regulations regarding emergency response, planning, spill prevention what do in the event of a hazardous waste spill and cleanup. He recommended amending the resolution to add language supporting best practices and pending State regulations. Mayor Earling said more specific language would be required for an amendment.

Councilmember Fraley-Monillas responded the reason the resolution was drafted in this manner was it is being sent to Governor Inslee, it is a request from Edmonds, and as such should not include the governor's actions. As far as best practices, she said that was addressed in the last resolution. It would be appropriate to draft another resolution to address best practices such as changing train speeds through the City. This resolution is intended to tell the Department of Transportation that Edmonds does not want coal and oil trains coming through Edmonds.

Councilmember Tibbott said this resolution would be stronger if additional language was included as well as a commitment to first responders, a commitment to planning and a commitment to a restitution fund that would aid in cleanup. He offered to work with Council and staff to draft an amendment. Mayor Earling observed there was a motion to approve the resolution with two amendments. The Council could delay passage of the resolution until next week but it appeared the tenor of the Council was to adopt it tonight.

Councilmember Buckshnis commented Resolution 1317 describes the procedure for Fire District 1, requesting safer tank cars, etc. She asked for confirmation that Resolution 1317 remained in place as it has not been rescinded. City Attorney Jeff Taraday said that was correct.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO ATTACH RESOLUTION 1317 DATED APRIL 17, 2014, A RESOLUTION RELATED TO PETROLEUM TRANSPORT BY RAIL THROUGH EDMONDS AND THE STATE OF WASHINGTON, URGING ADOPTION OF STATE LEGISLATION AND FEDERAL REGULATIONS, STATE ASSESSMENT OF RISK, RAILROAD COMPANY RESTRICTIONS OF PETROLEUM TRANSPORT AND UPDATE OF CITY INCIDENT RESPONSE PLANS TO

ADDRESS POTENTIAL SAFETY, ENVIRONMENTAL AND ECONOMIC IMPACT OF PETROLEUM TRANSPORT BY RAIL.

Councilmember Fraley-Monillas agreed with attaching Resolution 1317 as it provides history along with pertinent data and answers some questions.

Councilmember Mesaros suggested referencing Resolution 1317 in the last whereas; he offered to draft the wording

Councilmember Nelson said there has been a lot of discussion about the short term impact of oil trains and the short term damage of an explosion. It is important to remember the long term impacts on the climate. Many of the Council's past resolutions have been in reaction and how prepare for the immediate impacts of a disaster; the Council has never said we don't want oil trains or coal trains running through our city or Washington State which is what this resolution says.

Councilmember Tibbott said Section 2 of Resolution 1317 addressed his concern about tank car design and references Governor Inslee and Department of Ecology as well as critical areas that could be affected by a derailment in Edmonds. He concluded the addition of Resolution 1317 to the current resolution strengthens it and ties it together. He supported the amendment.

Mayor Earling declared a brief recess to allow Council to draft an amendment.

Mr. Taraday said he understood Councilmember Mesaros' earlier amendment to include Resolution 1317 even though it was not identified by number. He suggested a new amendment.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AMEND THE LAST WHEREAS TO READ: "WHEREAS PRIOR RESOLUTIONS PASSED BY THIS COUNCIL (PLEASE SEE THE ATTACHED RESOLUTION 1317 APPROVED ON APRIL 17, 2014)." MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER TIBBOTT, TO AMEND THE MOTION TO ADD AN ADDITIONAL WHEREAS TO READ, "WHEREAS EDMONDS ENCOURAGES OUR CITIZENS AND OUR VISITORS TO REDUCE THEIR USAGE OF FOSSIL FUELS IN THEIR EVERYDAY LIVES TO LESSEN THE DEMAND FOR CRUDE OIL." COUNCILMEMBER TIBBOTT SECONDED. MOTION CARRIED UNANIMOUSLY.

Council requested the full packet be transmitted with the resolution.

MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.

3. RESOLUTION URGING THE PROHIBITION OF TRAINS CARRYING COAL THROUGH EDMONDS

Councilmember Nelson thanked Legislative Assistant Andrew Pierce for drafting the resolutions. He explained the coal resolution was separated from the oil train resolution because coal is a silent killer. Coal has been part of the US's history; in the last 4 decades 76,000 Americans have died from inhaling coal dust on their jobs and it is spread throughout the state via coal trains. New information has arisen since the Council passed resolutions in 2011 and 2012 specific to coal such as the study by Dr. Daniel Jaffee, a UW professor, who studied 367 trains during a 2-month period. The study concluded diesel-powered coal trains emitted twice as particulate matter as diesel-powered freight trains and coal dust made up approximately half of the coal train emissions. The Millennium Bulk Terminal SEPA review by DOE found the amount of coal dust and coal burning is the equivalent of 3.2 million tons of CO2 into the

atmosphere, the equivalent of 672,000 passenger cars on the road/year. He read a portion of the resolution:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDMONDS, THAT:

Section 1: The City of Edmonds adamantly supports and urges the transition of energy production away from the consumption of fossil fuels and toward the implementation of a sustainable, renewable, and environmentally friendly system of energy production.

Section 2: The City of Edmonds opposes the transportation of coal via rail through the City of Edmonds, along the Puget Sound, and other populated areas.

Section 3: The City of Edmonds strongly urges the United States Department of Transportation and the United States Congress to prohibit the transportation of coal via rail through the City of Edmonds and all other populated areas.

Section 4: Copies of this resolution shall be transmitted by the City Clerk to the President of the United States; the Secretary of the United States Department of Transportation; the United States Secretary of Energy each member of the United States Congress elected from this State, including: Senator Patty Murray, Senator Maria Cantwell, and Representative Jim McDermott; Governor Jay Inslee; each member of the Washington State delegation representing the City of Edmonds from Districts 21 and 32, including: Senator Maralyn Chase, Senator Marko Liias, Representative Cindy Ryu, Representative Ruth Kagi, Representative Strom Peterson, and Representative Lillian Ortiz-Self.

COUNCILMEMBER NELSON MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE A RESOLUTION URGING THE PROHIBITION OF THE TRANSPORTATION OF COAL VIA RAIL THROUGH THE CITY OF EDMONDS.

COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND THE LAST WHEREAS TO READ, “WHEREAS PRIOR RESOLUTIONS PASSED BY THIS COUNCIL (PLEASE SEE THE ATTACHED TWO RESOLUTIONS 1263 APPROVED ON NOVEMBER 22, 2011, AND RESOLUTION 1218 APPROVED ON JULY 17, 2012).” MOTION CARRIED UNANIMOUSLY.

MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.

1. PRESENTATION BY SNOHOMISH CONSERVATION DISTRICT AND EDMONDS COMMUNITY COLLEGE ON HOW RAIN GARDENS COULD HELP THE CITY REALIZE REDUCED FLOWS, AND IMPROVED FISH HABITAT, IN PERRINVILLE CREEK

Public Works Director Phil Williams introduced this item, recalling 18 months ago the Perrinville Flow Reduction Study focused on articulating and identifying strategies to reduce peak flows in the Perrinville Basin which are very erosive and mobilize soils and gravel, the single biggest threat to the water quality and flow of Perrinville Creek. That study identified a number of capital projects; a number are being pursued including design of a large infiltration project at Seaview Park. The study also identified distributed strategies that could be helpful closer to the source where stormwater is generated. The City partnered with with Snohomish Conservation District (SCD) and Edmonds Community College (EdCC) to design, market and identify locations in the Perrinville Basin where rain garden projects located outside the right-of-way could be piloted, partnering with individual property owners. He introduced Kate Riley, SCD, who introduced Laura Goff, SCD, Dr. Thomas Murphy, EdCC, and EdCC students Linda Hall and Sahayra Baroja.

A video of Representative Strom Peterson, District 21, was displayed in which he commented on Edmonds' proximity to Puget Sound and its importance in citizens' everyday lives. However, as pristine as Puget Sound looks from the surface, it is not that clean. He was excited about Edmonds, the 21st District and Washington State being on the forefront of dealing with stormwater which is the number 1 pollutant in Puget Sound.

The video presentation stated: but stormwater itself is not the problem. In a natural environment stormwater slowly absorbs into the ground which cleans it before reaching Puget Sound. Stormwater becomes an issue when hard surfaces like pavement, roofs and even lawns become the prominent feature of the landscape. Representative Peterson commented on the opportunity to get citizens, homeowners and small businesses involved; a healthy Puget Sound relies on our taking care of stormwater poisons affecting our watersheds.

The presentation continued: to get a closer look at the problem, we examined the Perrinville Creek watershed. Because private property makes up 87% of the watershed, homeowners are an integral part to the solution. We surveyed 82 residents; 89% were interested in have a rain garden on their property. Representatives Peterson described touring several rain gardens in the Perrinville Creek watershed, a great pilot project. He was impressed not only by the beauty of the rain gardens but the homeowners' enthusiasm throughout the process. In the video, Dan Wilson, said the rain garden on his property opened up the yard and increased wildlife.

The presentation continued: high impact can be achieved in the right-of-way or area next to the road; 89% of residents would be open to rain gardens in the right-of-way. Of those interested in rain gardens in the right-of-way, 90% would be willing to maintain it 3 times a year. Victoria Bradford, neighbor to a rain garden in the right-of-way, said water from her roof goes into the rain garden instead of the street and the rain garden is not difficult to maintain.

The presentation continued: trees are another nature based solution; 82% are open to planting trees in the right-of-way. Representative Peterson said Edmonds can be a leader to show others in the state what can be done by working together as a community to take care of our natural resources.

Ms. Riley explained this study was initiated to compliment all the work Public Works has already done. Perrinville has been a high priority for several years. The response to the two demonstration projects has been incredible. In partnership with the City and EdCC, the SCD completed a technical and social analysis of community-based stormwater solutions in the Perrinville Basin. In the technical analysis, GIS and modeling were used to identify the scale of projects necessary to make a measurable change in the watershed. She reviewed key findings, advising there are many suitable areas identified for green stormwater infrastructure throughout the Perrinville basin in both Lynnwood and Edmonds:

- Models indicate that community-based stormwater practices could have significant impact on Perrinville Creek, in a cost-effective way.
- Community support for these types of solutions is overwhelming.
- While most residents currently have lawns, nine out of ten prefer the aesthetics and environmental benefits of rain gardens and street trees.
- The majority of residents indicated that they would be willing to maintain these practices even in the public right-of-way, with support from groups like Conservation Districts and Master Gardeners.
- Though most landowners would need some level of financial incentives and assistance to be able to retrofit their properties, the majority are willing to contribute labor and finances towards these projects.

Dr. Murphy explained EdCC students worked with SCD and the Cities of Edmonds and Lynnwood to determine what residents in the Perrinville watershed want and need, their preferences, what their yards look like and could look like. Ms. Hall reported on interviews with homeowners, relaying homeowners were very happy. One resident who knew about rain gardens, said she had wanted to do this for 2½ years but had delayed because she didn't understand how to design or install it. Another homeowner also knew about rain gardens but needed financial assistance and help with installation; this project made that possible.

Dr. Murphy said they also surveyed homeowners in the Perrinville Creek watershed in Edmonds and Lynnwood regarding their preferences for their yards and landscaping. Most homeowners currently have grass and trees, they expressed an overwhelming preference, nine out of ten, to the image of a rain garden versus their own lawn indicating a willing desire to make change within the community. Their reasons were aesthetics and environmental consciousness, they liked native plants, birds, the diversity of plants and flowers, colors, and the curb appeal that added to the value of their property. A total of 82 residents were surveyed via door to door and an online survey. Ms. Baroja said it was exciting to hear what homeowners had to say. She recalled interviewing two people, one who had already installed her garden and preferred not to install rain garden but was willing work with her neighbor to install one that would benefit both. A gentleman she interviewed said the only thing stopping him from installing a rain garden was the labor; if help was provided to install it, he was willing to maintain it.

Dr. Murphy said in addition to soliciting motivation for residents to change to a rain garden, they also asked them to rank potential incentives the City and/or partners could provide. The surveys found financial incentives were a major factor but they were willing to contribute; on average they were willing to invest \$1225 in what is an approximately \$3,000 project. Technical assistance was also a major factor as well as labor assistance and neighborhood involvement. He concluded the lesson for the City Council is the Perrinville neighborhood was overwhelmingly supportive of change to benefit the environment, to manage flows and to limit pollution in streams.

Councilmember Nelson said the presentation demonstrates the benefits of rain gardens. He asked how a city can help with financial incentives. Ms. Riley said many cities including Shoreline and Everett offer rebates. The SCD also offers a cost share program. She believes people need skin in game, labor, financial incentives, and a shared vision; they want to provide input during the planning. In partnering with Edmonds for two years leveraging funds for projects including contributions from the homeowners, they've realized it is not just money but supporting homeowners throughout the process. The overwhelming evidence of homeowners' willingness to work toward a sustainable solution makes this doable.

Councilmember Buckshnis said WRIA 8 grants funds to groups like Sammamish and Cedar River to help homeowners clean up noxious weeds, etc. This would be a similar project. She invited SCD to contact WRIA 8 for funding, commenting WRIA 8 has looked at Perrinville including flows and culverts. WRIA 8 gets a lot of requests from King County but rarely any from Snohomish County. Ms. Riley recognized the Nature Conservancy and Boeing who funded this report.

Council President Johnson said it was exciting to see community members in support of rain gardens. She encouraged Ms. Riley to with the City, partners and grant opportunities to implement a robust rain garden program.

Councilmember Mesaros shared Councilmember Nelson's interest in moving forward, noting implementation will be important for staff to think about and for the Council to provide the resources.

Councilmember Tibbott said he heard a presentation on rain gardens while on the Planning Board at the instigation of Planning Board Member Val Stewart. Since then, he has been seeing more and more rain gardens. He asked if there were any downsides to rain gardens. Ms. Riley answered the number one concern is maintenance; the highest impacts can be achieved via biofiltration in the right-of-way, publicly owned but privately maintained. The City does not have enough staff to maintain all the rain gardens so groups like Master Gardeners need to be involved.

Councilmember Tibbott said he saw one rain garden that was infested by dandelions and had become a weed patch. He relayed a concern expressed by a friend who was asked to install a water retention system that ice would collect underground during the winter and create a slide hazard. Ms. Riley said they work with a professional engineer; that level of expertise includes in-depth soil tests prior to design and construction. Some of the errors with rain gardens in other areas such as Ballard occurred because the soil tests were not completed correctly. An assessment needs to be done to identify whether a site is appropriate for a rain garden.

Councilmember Tibbott asked how that worked in Edmonds. Ms. Riley said on the two neighborhood cluster projects of six rain gardens, their professional engineer worked with City staff to test and assess each location. In one right-of-way project the engineer provided all the design and construction plans to the City and the City signed off and inspected. Councilmember Tibbott summarized technical advice would be provided for homeowners and/or the City.

Councilmember Fraley-Monillas asked if residents were not interested in rain gardens. Dr. Murphy answered 90% said yes and 10% said no. He recalled comments that the person would rather see money spent on rain gardens than what was done on Sunset Avenue and that no tax dollars should be spent on rain gardens. There was a small amount of resistance; he was surprised by the amount of support in neighborhoods for rain gardens.

Mr. Williams commented more has been spent on rain gardens than on Sunset Avenue. He said there will be more rain gardens in the future as redevelopment occurs. As the presentation last week regarding the stormwater code indicated, when impervious surface over 2,000 square feet is added or replaced, there will be a requirement to obtain a permit and review under Element 5 which addresses infiltration. Rain gardens are a key part and he was encouraged there were such positive feelings about rain gardens. Not every site is suitable for a rain garden such as steep slopes and poor soils. Rain gardens work well on properties with lower slopes and access from the street. In this project, Public Works crews provided rough excavation, volunteers shaped the garden and the residents bought the plants. He was not certain that model was financial sustainable on a large scale. He thanked SCD, EdCC, and City crews.

4. **PRESENTATION OF AN ORDINANCE TO ADD NO PARKING SIGNS ON 238TH ST. SW**

This item was delayed to a future agenda.

5. **PRESENTATION OF PLANNING BOARD'S RECOMMENDED SIGN CODE AMENDMENTS**

This item was delayed to a future agenda.

6. **IMPACT FEE COLLECTION PROCESS UPDATE**

Development Services Director Shane Hope referred to information in the packet regarding the impact fee collection process, ordinance, and the existing code. She said this is not related to impact fee rates, only the collection process. The State legislature adopted a process change that requires local governments that

use impact fees to allow for a deferral process, allowing payment of impact fees later in the process. Local government can choose between three options:

1. Collect impact fees at the time of final inspection
2. Collect impact fees at the time of certificate of occupancy
3. Collect impact fees after the sale of the first house.

The impact fee deferral process is only for attached and detached single family housing, not commercial property. The City must choose one of three options; doing nothing is not an option. Staff recommends collecting the impact fees as early as possible in the process, definitely not after the first sale. If the impact fees is not collect at time of building permit, staff recommends collecting at the time of final inspection. The City also has the option, although it is not a state requirement, to collect an administrative fee when collecting an impact fee. The City currently does not have an administrative fee; the impact fee collected goes entirely to capital facilities and there is no fee for staff time to handle, track, calculate, etc. If the Council is comfortable with imposing an administrative fee, staff would return with the impact fee collection process ordinance for adoption at the next Council meeting. Staff would propose a resolution for collecting and setting the amount of the administrative fee along with the ordinance or at a future meeting. No policy changes are proposed; the proposal puts the existing language for transportation and park impact fees in one chapter and adds the impact fee deferral process, the collection process and the administrative fee.

Councilmember Mesaros asked if there were other instances where the City has an administrative fee in addition to the fee. Ms. Hope answered generally not because permit fees are used for admin costs, not capital; impact fees go entirely to capital. Councilmember Mesaros if she had a sense of what the fee might be, whether it would be a percentage or a flat fee. Ms. Hope answered staff has looked at other cities as well as determining the amount of time to administer, report, etc. and estimate at least a ½ hour for a single family house. The current rate is \$90/hour which staff plans to recommend be increased to \$100/hour in the future.

Councilmember Mesaros asked the impact fee for a 2500 square foot home. Ms. Hope answered the size does not matter. Mr. Williams said the transportation impact fee for a single family home is \$2700. Councilmember Mesaros said the administrative fee would add another \$50. Ms. Hope said some cities use a percentage which she was uncertain was fair because the fee was based on the amount of time, not the cost of the project. Councilmember Mesaros said some may argue that they are already paying taxes to pay for staff support and question why they should pay again. Ms. Hope said it requires extra work; if the fee system is user based, the people using that service should should pay for it.

For Councilmember Buckshnis, Ms. Hope said the proposal is to charge the same administrative fee for park impact fees.

Councilmember Tibbott asked why it was not desirable to collect the fee after the sale of the first house when that would be when the developer collects money. Ms. Hope said if the City waits until after the sale closes, it requires more work for the City. When the builder sells the property, it is recorded, and the buyer may not be aware they have to pay the fee after the purchase. Similarly, a developer does not pay their permit fees after they sell the house. The State allows three options; staff believes the first option is the best as it does not involve the buyer and it is less work for the City. She said builders are not required to use the impact fee deferral process; a builder can choose to pay the impact fee with the building permit.

It was the consensus of the Council to schedule staff's recommendation and the administrative fee resolution on the Consent Agenda.

7. URBAN FOREST MANAGEMENT PLAN UPDATE

Development Services Director Shane Hope recalled the Council provided funding to begin the Urban Forest Management Plan this year with the idea an additional amount would be provided next year to complete it. Before an RFQ is finalized, staff wanted to discuss the scope with the Council. The primary intent of an Urban Forest Management Plan is managing right-of-way trees and trees on City property. The intent is to stay away from addressing private properties. She recalled during consideration of the critical area regulations, there was discussion about looking at wildlife habitat corridors and asked for confirmation that the Council wanted to include that. It was the consensus of the Council to include wildlife habitat corridors.

Councilmember Nelson requested an assessment of the overall canopy. Ms. Hope agreed. If there was a cost issue, Councilmember Nelson requested that be presented to the Council. Ms. Hope said hand counting would be much costlier; aerial photograph or sampling would be simpler and less expensive.

Councilmember Buckshnis asked how this interfaced with the critical area ordinance. She suggested refreshing Councilmembers regarding the City's guidelines related to trees on private property such as permit requirements. Ms. Hope said permits are required for tree cutting in critical areas and tree planting is required in certain other circumstances, especially when development occurs.

Councilmember Mesaros commented wildlife does not distinguish between private and public property. If there is evidence wildlife is using private property for corridors, he recommended bringing that to Council to determine how to work with private property owners to preserve those areas. He noted deer at Pt. Edwards do not distinguish between public and private property. Ms. Hope said the main focus is trees but also how they interface with wildlife.

Councilmember Teitzel agreed wildlife do not distinguish between private and public property and agreed with looking at the extent to which corridors extend from public to private property. He was also sensitive to the private property right issue, recalling backlash from the proposed Tree Code. He strongly urged staff and the Council as this affects private property, to do it on a voluntary basis rather than regulations. Ms. Hope said the Urban Forest Management Plan is not a regulation; it is a strategy, set goals and priorities and makes recommendations. Any regulations or adopted incentive program would require a separate action by Council.

Council President Johnson said the Council has not approved \$65,000 in the 2017 budget yet. Ms. Hope said it was a package, \$65,000 in 2016 and \$65,000 in 2017. Council President Johnson recalled that was a proposal but it was not approved. Ms. Hope recalled it was approved together.

Council President Johnson referred to the statement that the Urban Forest Management Plan could discuss issues about tree management related to scenic views, commenting that sounded like a controversial idea. Ms. Hope said it could be but did not see that as the focus. The issue of tree and view blockage has arisen; the balance between priorities and issues could be discussed in the Urban Forest Management Plan. Council President Johnson said the Comprehensive Plan refers to view corridors but to her knowledge the City has never protected private views. Ms. Hope said the language referred to public corridors. Council President Johnson said the City cannot protect private views; instances of tree cutting to preserve views have contradicted the City's ordinances.

COUNCILMEMBER TEITZEL MOVED, SECONDED BY COUNCILMEMBER TIBBOTT, TO EXTEND THE MEETING FOR 10 MINUTES. MOTION CARRIED UNANIMOUSLY.

8. REPORTS ON OUTSIDE BOARD AND COMMITTEE MEETINGS

This item was deferred due to the late hour.

9. MAYOR'S COMMENTS

Mayor Earling looked forward to the 4th of July celebrations and Councilmembers participating in the parade.

Mayor Earling said there has been an effort to discourage people from putting chairs out until 6:00 p.m. on Sunday. The first chairs placed in front of Starbucks this morning at 8:30 a.m. have been removed and City staff will continue to enforce the no chairs before 6:00 p.m. Having chairs in place a week before the parade present a safety issue for the public.

10. COUNCIL COMMENTS

Councilmember Teitzel reported Councilmember Tibbott and he met with approximately 20 members of the Sunset Avenue community today, a passionate group with a lot of ideas and concepts. Council and citizens are happy to see progress being made on Sunset and anxious to have the project wrapped up. He relayed a request to reduce the parking limit on Sunset from 4 hours to 3 or 2 hours because the purpose of Sunset is to enjoy the view and then move on so someone else can enjoy it. He plans to advocate for a reduction in the parking limit, independent of the final changes to Sunset Avenue and recommended that be done soon.

Council President Johnson commented on the recent loss of life in Turkey, noting we often feel little can be done about international events. If we believe that all politics are local, there is an opportunity to attend a special Ramadan feast at the Edmonds Lutheran Church on Thursday at 7:30 p.m. to celebrate the end of Ramadan with a feast and a guest speaker from the Muslim Association of Puget Sound. This an opportunity to come together to support freedom on religion in the United States.

Councilmember Buckshnis reported Step out Edmonds, a 2-3 mile walk, has begun on Tuesdays at the Senior Center at 9:00 a.m. Registration is \$10 and participants receive t-shirt. She reported on a seal pup at the dog park and cautioned the public not to cuddle, pick up or hold seal pups; instead call animal control to pick it up.

Councilmember Fraley-Monillas announced the Diversity Commission plans to have a large group in the parade and she encouraged anyone who felt they fit any diversity to join them.

Councilmember Nelson said it is fitting as the Council voted tonight against oil and coal trains and dirty and dangerous energy, to recognize a citizen who was a pioneer in clean energy who passed away recently, Chris Herman. Mr. Herman was a tireless advocate for solar energy, active in sustainability and Sustainable Edmonds, and President of the Edmonds Solar Cooperative, the first in Washington state to have a community-owned solar cooperative. He will be working on a resolution to name the Frances Anderson Center solar installation in honor of Mr. Herman.

11. CONVENE IN EXECUTIVE SESSION REGARDING PENDING OR POTENTIAL LITIGATION PER RCW 42.30.110(1)(i)

This item was not needed.

12. RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION

This item was not needed.

13. ADJOURN

With no further business, the Council meeting was adjourned at 10:05 p.m.